

you want to, about this but you are going to have a conflict if you proceed with LB 294. I am going to draw it out for you once more and I wish I had the blackboard. Over here on the one hand, you are going to have a deputy attorney general assigned by the Attorney General under his control working as house counsel for the Patrol. Now the conclusion of that is that they are going to be able to assist the Patrol all the way through into the courtroom. We don't want that to happen, but if it happens, bear in mind that if a county attorney decides that he needs assistance, he may also request the Attorney General for assistance, and if he does, you will have two deputy attorney generals, one on behalf of the Patrol, one on behalf out here of the county attorney's office. There may well be a conflict of interest, a very definite conflict, and we want to avoid it. The Attorney General may withdraw those deputy attorneys at any time from the Patrol. The Attorney General may decide to exercise his own authority and lead his own investigation into drugs. He does not need to cooperate with the Patrol but the Patrol will be in the untenable position of requesting assistance at the discretion of the Attorney General and I do not believe that this Attorney General is any more in support of that concept than was Attorney General Meyer. There are many, many technicalities involved in this kind of an activity and I am not an attorney. But Senator Luedtke and members of the committee investigated and researched this time after time after time and our intent was clear. House counsel. Keep it clean. Keep it straight. Don't abuse the rights of people. Or on the other hand, take it all the way through and take your lumps. We don't want that. We want the county attorney to prosecute. If he needs help, call the Attorney General. The Attorney General can help him prosecute. He can call another county attorney. There are many competent county attorneys across the state who will assist each other. They can do it and that is the way it ought to be. The matters within the Patrol, the day to day routine matters are such that the Patrol needs house counsel and they should not be required to have to request them from the office of the Attorney General. So I would just ask you this time, support the amendment, and if what I have told you is not true, you can take it off next week. But I am telling you the truth, I know what I am talking about. The members of the Judiciary Committee who served with me know it is true and I do not imply that the present committee was not informed. There are a multitude of evidences here which were not available to the present members of the committee, which we, during the interim period, studied and upon reflection 175 was introduced. It wasn't introduced as a whim. It was introduced as a result of hearing after hearing after hearing, thousands of pages of testimony, and I would ask you over the weekend to get that testimony and look it over irregardless of how you vote but I hope that you vote in support of my amendment and thank you very much.

PRESIDENT: The question is the adoption of Senator Schmit's amendment. Record your vote. Have you voted? Have you all voted? Have you voted? Machine vote. We will wait, Senator DeCamp. Record. We will make it a record vote on Senator Mills request.

CLERK: Record vote read. (See page 507, Journal.)